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SUBJECT: EPRT DIYALA SOUTH: HOW CONFLICTING LINES  
OF AUTHORITY HINDER EFFECTIVE LOCAL GOVERNMENT

11. (U) This is an ePRT Diyala South reporting cable.

12. (SBU) SUMMARY: The emergence of effective local government in Diyala Province is stalling due to conflicting lines of authority, a lack of defined roles and responsibilities, and disconnects with ministerial representatives from the central government who retain control of key services. Without a Provincial Powers Act that clearly defines powers and responsibilities, locally accountable government will not be able to take on and manage the provision of services at the local level. END SUMMARY

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Outline of Government Structures  
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13. (U) The Provincial Government - excluding the courts and security services - breaks down into three main entities: i) the Provincial Council (PC), ii) the Governor's Office, and, iii) the Provincial Directors General (DGs) representing national ministries. The Province furthermore is comprised of five Qadas: Baqubah, Khalis, Muqdadiah, Khanaqin, and Balad Ruz, with each Qada in turn split into several Nahiyas or groupings of several villages or towns.

14. (U) The Provincial Council has the ability to approve the budget, remove the Governor, and to disband Qada and Nahiya Councils. It exercises no real authority over the Provincial DGs. The Governor manages provincial budget development and execution, and various other provincial government activities. The Provincial DGs are in charge of managing the provision of the service overseen by their respective ministry, and have their own subordinate offices. While the Governor has little direct authority over the Provincial DGs, he does play a coordinating role and is able to demand reports from them. The Governor can also pressure the ministries in Baghdad of the respective DGs, and has been known to have recalcitrant DGs put in jail for a few days.

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The Example of Baqubah Qada:  
Lines and Layers of Authority  
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15. (U) In theory, the three "branches" of government - i) the Provincial Council (PC), ii) the Governor's Office, and, iii) the Provincial Directors General (DGs) representing national ministries - should be mirrored at the level of Qada and Nahiya. This, however, is not the case in Baqubah. Baqubah Qada has a Qada Council (QC), which, like the PC, selects the Qada Mayor or Qaim Maqam. Each Nahiya in the Qada also has a Nahiya Council (NC), which selects the Nahiya Mayor. The Qada Mayor and QC also serve as the government for the city of Baqubah. In practice, the QC's authority does not extend beyond the city; and the Qada Mayor is mostly focused on the city's issues, and only deals with the other Nahiyas when they come to him with problems. The other Nahiyas - al-Abarra, Buhriz, Kanaann, and Khan Bani Saad (KBS) -are not represented on the QC, and the NCs or Mayors often go straight to

the Provincial Government, or even Baghdad, completely bypassing the Qada Government.

¶6. (U) Each ministry has its own lines of authority and reporting structures at the sub-provincial level. Some mirror the provincial structure of: Province - Qada - Nahiya. Many lack Qada-level representatives and go straight from the Provincial DG to Nahiya-level Directors. Still others have created entirely unique administrative units for their reporting structure. Baqubah Qada poses exceptional complications, due to the de facto transfer of many core ministry functions in Khan Bani Saad Nahiya to Baghdad from Baqubah when Diyala's security situation hit a nadir in late 2006 and early-mid 2007.

¶7. (U) Below is a breakdown of the administrative structure of some of the essential service directorates in Baqubah Qada:

¶A. Provincial DG - Qada Director - Local Manager

-- Water (Ministry of Municipalities)

-- Education (Ministry of Education) - though for Baqubah Qada, the Provincial DG himself acts as the Qada Director

¶B. Provincial DG - Nahiya/Local Manager

-- Sewage (Ministry of Municipalities) - has ten offices across the Province reporting directly to the Provincial DG. In Baqubah Qada, these include Baqubah and Khan Bani Saad. The Provincial DG has reportedly requested that the Ministry re-assign Khan Bani Saad to Baghdad.

-- Electricity (Ministry of Electricity) - several of the larger local offices, including the city of Baqubah, have sub-offices.

-- Municipalities (Ministry of Municipalities) - in Baqubah Qada, KBS has reportedly been re-assigned to Baghdad.

-- Health (Ministry of Health) - The nine hospital and 45 clinics administrators each report to the Provincial DG. The Ministry of Health is yet another ministry that has reportedly re-tasked KBS to Baghdad.

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Tribal/Sectarian Impediments to  
Strong Qada Government  
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¶8. (SBU) The patchwork nature of tribal and sectarian populations in Baqubah and across Diyala hinder the development of a Qada leadership in Baqubah capable of managing the Qada as a governmental entity. (Note: There are roughly 25 tribes and over 100 sub-tribes in the province. Endnote) Baqubah's character as a predominantly Sunni city has become more pronounced in recent years. Other parts of the Qada, however, have a different sectarian composition.

¶9. (SBU) For example, Al-Abarra Nahiya, which covers much of the Diyala River Valley north of the city of Baqubah, is a largely Shia area, though it does contain some Sunni towns and villages. Al-Abarra has strong ties to the Shia leadership in the Provincial government. The Mayor of al-Abarra, Shakir Mazin al-Timimi, is the nephew of Diyala Governor Raad al-Timimi, and the son of one of the al-Timimi paramount Sheikhs in Diyala; the al-Abarra Council Chairman is also the Governor's brother. Al-Abarra also includes the town of Kharnabat, which is the hometown of the Provincial Director of Police (MG Ghanem Abbas al-Quraeshy) - also a Shia. Given these connections, the al-Abarra Nahiya rarely acts as a subordinate structure to the Baqubah Qada.

¶10. (SBU) Khan Bani Saad, located between Baghdad Province and the city of Baqubah, is another area where tribal/sectarian and security concerns have caused a significant separation between the Nahiya and Qada governments. In this case, however, the Nahiya has growing ties to Baghdad, not the Diyala Provincial government. One example is that several of the ministry offices in KBS have reportedly been re-tasked from Diyala (Baqubah Qada) to Baghdad. One of the major problems with this development is that KBS is roughly evenly divided between Sunni and Shia, though the town of KBS is largely Shia. The Baghdad solution works well for the Shia of KBS, as KBS borders on Sadr City and provides easy access to Baghdad. This option is less optimal for the Sunnis of KBS, as they are afraid to travel to Baghdad, and are no longer resourced from Sunni-friendly Baqubah.

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Qada and Local Governments Left  
Organizationally Weak  
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¶11. (SBU) The cumulative effect of these various formal and informal lines of authority - especially when combined with the lack of clarity for provincial and sub-provincial authorities under current Iraqi legislation - is to leave Baqubah Qada and Nahiya governments with ill-defined roles. The Qada Mayor, who is in theory the senior executive for the Qada, lacks direct authority over those responsible for providing essential services in the Qada. The Qada Mayor does not have a group of non-subordinate service directors sharing Qada-wide responsibility with which to consult. Neither the Qada Council nor the Qada Mayor controls a budget that can be used to fund capital projects, or operations and maintenance. Even the operations costs of the Qada Mayor's office itself are handled by the Provincial Accounting Office. In short, the locally elected and accountable Qada and Nahiya governments may be responsible for "managing" services in their areas, but lack formal control of the means for the provision of those services.

¶12. (SBU) Effective local government in Baqubah Qada depends on informal relations and the personal authority and leadership skills of the individual local government leaders; of lesser importance is the authority of the office. The Baqubah Qada Mayor hosts a weekly meeting with some of the service directors for the city of Baqubah. However, this meeting only came about as a result of pressure from Coalition Forces (CF). The CF and ePRT maintain a regular presence at the meeting. The service directors provide the Mayor with information and listen to his comments. They do not take orders or taskings from him. This also explains why the dominant positions in local government vary so greatly. In one place the Mayor may be the most influential individual, while in another the Council Chairman exerts more power.

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Comment: Qada Government as  
Information Manager  
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¶13. (U) The government of Baqubah Qada will not be able to direct the provision and development of services in the Qada in the near future. The varying independent lines of authority operating at the sub-provincial level and the lack of clarity on current or future Qada and local government powers hinder this development. Until a Provincial Powers Act that clearly delineates roles and authorities at the national and provincial level - and allows for the further definition of sub-provincial administrative bodies - is adopted,

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capacity-building efforts at the sub-provincial level will be limited to improving the capacity for information management, with little overall effect on the actual provision of services.

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